

Amendments to the Claims

Claim 1 (Currently Amended): A method of reducing the development of resistant pests in

a field of transgenic pest resistant crops, wherein said method comprises the steps of:

- a) blending seed of a first transgenic pest resistant crop with seed of a second transgenic pest resistant crop to provide a seed mixture, wherein said first pest resistant crop and said second pest resistant crop are pesticidal to the same target pest but through a different mode of pesticidal action; and
- b) planting said seed mixture in a field, wherein said seed mixture consists of from about 100% to about 0% of said first transgenic pest resistant crop and of from about 100% to about 0% of said second transgenic pest resistant crop.

Claim 2 (Currently Amended): The method of claim 1, wherein said same target pest is

~~ECB~~European corn borer.

Claim 3 (Currently Amended): The method of claim 1, wherein said same target pest is

~~WCRW~~Western Corn Rootworm.

Claim 4 (Original): The method of claim 1, wherein said different mode of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said same target pest.

Claim 5 (Original): The method of claim 1, further comprising treating said first transgenic pest resistant crop seed and said second transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadizines,

chloronicotinylns, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 6 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry 1F protein and said second transgenic pest resistant crop produces a Cry 1A(b) protein.

Claim 7 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry 34/35 protein and said second transgenic pest resistant crop produces a Cry 3 protein.

Claims 8-13 (Cancelled).

Claim 14 (Currently Amended) The method of claim 1, wherein said first transgenic pest resistant crop and said second transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of glyphosate N-acetyltransferaseGAT and 5-enolpyruvylshikimate-3-phosphate synthaseEPSPS.

Claim 15 (Cancelled).

Claim 16 (Currently Amended): A method for deploying a transgenic pest resistant refuge crop into a field of a transgenic pest resistant crop, wherein said method comprisesing the steps of:

- a) blending seed of a transgenic pest resistant refuge crop with seed of a transgenic pest resistant crop to provide a seed mixture, wherein said pest resistant refuge crop and said pest resistant crop are pesticidal to the same target pest but through a different mode of pesticidal action; and

- b) planting said seed mixture in a field, wherein said seed mixture consists of from about 100% to about 0% of said transgenic pest resistant refuge crop and of from about 100% to about 0% of said transgenic pest resistant crop.

Claim 17 (Currently Amended): The method of claim 16, wherein said same target pest is European corn borer~~ECB~~.

Claim 18 (Currently Amended): The method of claim 16, wherein said same target pest is Western Corn Rootworm~~WCRW~~.

Claim 19 (Original): The method of claim 16, wherein said different mode of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said same target pest.

Claim 20 (Original): The method of claim 16, further comprising treating said transgenic pest resistant refuge crop seed and said transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadizines, chloronicotinyls, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 21 (Original): The method of claim 16, wherein said transgenic pest resistant refuge crop produces a Cry IF protein and said transgenic pest resistant crop produces a Cry 1A(b) protein.

Claim 22 (Original): The method of claim 16, wherein said transgenic pest resistant refuge crop produces a Cry 34/35 protein and said transgenic pest resistant crop produces a Cry 3 protein.

Claims 23-28 (Cancelled).

Claim 29 (Currently Amended): The method of claim 16, wherein said transgenic pest resistant refuge crop and said transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of glyphosate N-acetyltransferase~~GAT~~ and 5-enolpyruvylshikimate-3-phosphate synthase~~EPSPS~~.

Claim 30 (Cancelled).

Claim 31 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 32 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 33 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 34 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 35 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1A(b) protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 36 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 37 (Currently Amended): The method of claim 1, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry1F and a Vip3A protein.

Claims 38-44 (Cancelled).

Claim 45 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 46 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 47 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 48 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 49 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1A(b) protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 50 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 51 (Currently Amended): The method of claim 16, wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry1F and a Vip3A protein.

Claims 52-58 (Cancelled).